

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES B. NEWTON,

Petitioner,

v.

Case Number 12-51088

Honorable David M. Lawson

ASSURED SOURCE CORPORATE,
LLC, ASSURED SOURCE,
INCORPORATED, and ASSURED
SOURCE ASO,

Respondents.

ORDER GRANTING MOTION TO CONFIRM ARBITRATION AWARD

On August 8, 2012, petitioner Charles B. Newton, proceeding *pro se*, filed his motion to confirm arbitration award. On February 1, 2013, the Court ordered the petitioner to show cause why the matter should not be dismissed, because he had filed no proof that he had served copies of his motion on the respondents. On February 28, 2013, the petitioner filed a response including two affidavits of service showing that he served copies of the motion by mail on August 6, 2012. On March 4, 2013, the Court ordered the defendants to respond to the motion by March 18, 2013. None of the defendants appeared or filed any response, and the time for doing so has passed. The Court therefore will grant the motion and enter judgment on the award.

The Federal Arbitration Act allows a party, within one year from the date of the award of an arbitrator, to “apply to [a federal district court] for an order confirming the award.” The Act prescribes the procedure that a party must follow in order to receive such an order:

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected

as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

9 U.S.C. § 9. The employment agreement attached to the motion to confirm award provides that arbitration shall occur in Detroit, Michigan, and judgment may be entered in any court having jurisdiction. The arbitration award against the respondents was entered on August 9, 2011, and the petitioner filed his motion to confirm the award on August 8, 2012. The petitioner served copies of his motion on the defendants by mail at their Michigan addresses. The statute requires that the Court enter judgment upon an award if the petitioner complies with its procedural requirements, and if the award has not been “vacated, modified, or corrected.” The petitioner has complied with the statute and the defendants have not appeared to contest entry of judgment.

Accordingly, it is **ORDERED** that the petitioner’s motion to confirm arbitration award [dkt. #1] is **GRANTED**.

It is further **ORDERED** that the plaintiff shall recover from the defendants jointly and severally \$316,499.84 in damages, interest on that amount from July 18, 2009 to the date of satisfaction of the award to be calculated in accordance with Mich. Comp. Laws § 600.6013, and attorney fees and costs in the amount of \$26,903.11.

It is further **ORDERED** that the plaintiff must submit to the Court in writing, **on or before March 28, 2013**, a statement of the exact amount of interest accrued on the judgment award from July 18, 2009 to the present.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 21, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 21, 2013.

s/Deborah R. Tofil
DEBORAH R. TOFIL